DOCUMENT RESUME

ED 455 670 EF 005 956

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TITLE	Still No Room To Learn: Crowded NYC Schools Continue To Jeopardize Smaller Class Size Plans. A Follow-Up Report to "No Room To Learn" and to the Class Size Summit Working Papers.
INSTITUTION	Public Advocate for the City of New York, NY.
PUB DATE	2000-12-00
NOTE	13p.; For the original report on NYC school class size plans, see EF 005 918.
AVAILABLE FROM	For full text: http://pubadvocate.nyc.gov.
PUB TYPE	Reports - Evaluative (142)
EDRS PRICE	MF01/PC01 Plus Postage.
DESCRIPTORS	*Class Size; Comparative Analysis; *Crowding; Educational Facilities Improvement; *Educational Research; Elementary Education; *Elementary Schools; Public Schools; *Urban Schools
IDENTIFIERS	*New York City Board of Education

ABSTRACT

This follow-up report revisits the overcrowded classroom issues facing the New York City Public School system after one year's efforts to correct the problem. The study reveals that: (1) 53 percent of all New York City elementary school buildings and annexes are overcrowded and continue to operate at 99 percent or greater capacity; (2) in 10 school districts, 70 percent or more of elementary school buildings are operating at 99 percent or greater capacity; (3) minischools and transportables, both ways to quickly increase capacity, are also overcrowded; and (4) over the last year, New York City collected less than 31 percent of the state's reimbursable school building aid despite enrolling almost 40 percent of the state's students. To end the class-size crunch and improve student performance, the report recommends that a number of specific actions be taken by the board of education, the State, and the City, including lobbying for new federal assistance. (GR)

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STILL NO ROOM TO LEARN

Crowded NYC Schools *Continue* to Jeopardize Smaller Class Size Plans

A Follow-Up Report to *No Room to Learn*
and to the Class Size Summit Working Papers

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An investigative report by
Mark Green
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December 2000

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An investigative report by
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December 2000

CLASS SIZE DOES MATTER

There is no single silver bullet for improving school performance. Real long-term improvement clearly requires a multi-pronged reform strategy. Research, however, is demonstrating that one strategy in particular – reducing class size in the early grades – can improve on long-term student performance. Educators and parents have long believed that students do better in smaller classes. Students receive more individual attention, ask more questions and participate more fully in discussions. Teachers spend more time teaching and less managing the classroom, maintaining order and keeping noise levels down.

In September 2000, the U.S. Department of Education published *The Class Size Reduction Program: Boosting Student Achievement in Schools Across the Nation*, a report summarizing the results of federal and local initiatives to reduce class size in the early grades. The report found: "Evidence continues to accumulate that shows that reducing class size improves student achievement, reduces discipline problems, and provides a lasting benefit to both students and teachers."

Both New York State and the federal government have recognized the importance of smaller classes in early grades. In 1998, New York State started to fund an initiative to reduce class size to 20 students in kindergarten through third grade over three years: implementation began in September 1999. Similarly, beginning in 1999, the Federal government has provided federal funding to assist school districts in hiring 100,000 new teachers with a goal of reducing class sizes to an average of 18 for early grades.

NO ROOM TO LEARN

In order to tap these new funding sources, however, school districts need to have adequate space to create new, smaller classes. In New York City, rapid enrollment growth and cuts to the Board of Education capital budget have led to an acute shortage in classroom capacity. The result was overcrowding in early grades with little room for schools to take advantage of State and Federal class size reduction programs.

In August 1998, Public Advocate Green, along with the New York City Independent Budget Office, uncovered that more than 30,000 students in Kindergarten through third grade were in classes of 30 or more students—classes that exceed the State target size by 50% or more (see Appendix I). One year later, in September 1999, the Public Advocate's investigation of crowding, *No Room to Learn*, found that 61% of New York City elementary schools were operating at 99% or greater capacity, including 23% of elementary schools at 110% to 125% of capacity and 12% of schools operating at 126% to 150% of capacity (see Appendix II).

In *No Room to Learn*, the Public Advocate's office also examined the practical effects of overcrowding and the limitations on the ability of overcrowded schools to accommodate smaller classes. Staff visited 43 overcapacity elementary schools with 1,722 classrooms: 56% of the classrooms had more students than the Board of

Education's own formula allowed and 11% of the classrooms exceeded the formula by at least five students. Libraries, gymnasiums, staff rooms, cafeterias and parent rooms were often missing or inadequate. And our analysis found that the 43 surveyed schools would need 15% more classrooms to implement the Reduced Class Size Initiative (RCSI).

CLASS SIZE SUMMIT

In April 2000, Public Advocate Green convened the first-ever Class Size Summit bringing together more than 150 education, business, labor and civic leaders to consider a series of options for creating the new schools necessary to allow New York City to take full advantage of the Reduced Class Size Initiative by reducing the class size of Kindergarten through third grades to no more than 20 as quickly as possible – while minimizing the impact on the City's budget; these alternatives are detailed in the Summit Working Papers (see Appendix III). The Summit was co-chaired by Robert Kiley, President of the New York City Partnership, Eugene McGrath, CEO of Con Edison and Ivan Seidenberg, CEO of Verizon, formerly Bell Atlantic. U.S. Secretary of Education, Richard Riley presented the keynote address and Chancellor Harold Levy, UFT President Randi Weingarten and other distinguished leaders participated.

ONE YEAR LATER . . .

Since the September 1999 *No Room to Learn* investigation and the subsequent Class Size Summit, the Public Advocate has continued to monitor the state of overcrowding in New York City elementary schools. In the last year, the Board of Education has added 13,000 new classroom seats in elementary schools with 7 new buildings, and 17 modular additions. But these investments have only made a small dent in the capacity problem. New data released by the Board of Education and analyzed by the Office of Public Advocate show that the class size crisis persists.

More than half of all New York City elementary school buildings and annexes -- 53% -- are overcrowded and continue to operate at 99% or greater capacity.

The good news is that the percentage of elementary school buildings operating at or above capacity has declined from 61% to 53% for school year 1999-2000.
But the bad news is . . .

In 10 school districts, 70% or more of elementary school buildings are operating at 99% or greater capacity.

Ten districts remain extremely overcrowded, with 70% or more of the elementary school buildings at or above capacity. In these districts, without fast track solutions like modular additions, transportables and leased facilities, it will be virtually impossible for these districts to meet the 20 student per class standard under the RCSI.

Table 1

Ten Districts Where 70% or More of the Elementary Schools Are Overcrowded

District	Elementary Schools	Elementary Schools at least 99% capacity	%
6 (Washington Heights, Inwood)	20	19	95%
11(Baychester, Co-Op City, City Island, Morris Park, Parkchester, Pelham Pkwy, Williamsbridge)	24	21	88%
24 (Corona, Elmhurst, Glendale, Maspeth, Middle Village, Ridgewood, Woodside)	26	22	85%
28 (Forest Hills, Jamaica, Kew Gardens, Rego Park Richmond Hill)	26	22	85%
27 (Rockaways, Howard Beach, Jamaica, Ozone Park, Richmond Hill, Woodhaven)	31	26	84%
29 (Cambria Heights, Hollis, Laurelton, Queens Village, Rosedale, St. Albans, Springfield Gardens)	23	19	83%
20 (Bay Ridge, Bensonhurst, Boro Park, Dyker Park, Kensington, Sunset Park)	22	17	77%
25 (Bayside, College Point, Flushing, Kew Garden Hills, Whitestone)	24	18	75%
10 (Bedford Park, Fordham, Kingsbridge, Mosholu, Norwood, Riverdale, Tremont, University Heights)	43	31	72%
30 (Astoria, Corona, E. Elmhurst, Jackson Heights, Long Island City, Sunnyside, Woodside	23	16	70%

Citywide, 23% of all elementary school buildings and annexes are operating at 110% to 125% capacity – reflecting no change from last year. Four districts have at least 50% of their elementary schools operating between 110% to 125% of capacity.

Table 2
Four Districts Where 50% of the Elementary Schools Operate between 110% to 125% Capacity

District	Elementary Schools	Elementary Schools at 110% to 125% of Capacity	%
29 (Cambria Heights, Hollis Laurelton, Queens Village, Rosedale, St. Albans, Springfield Gardens)	23	14	61%
6 (Washington Heights, Inwood)	20	11	55%
27 (Rockaways, Howard Beach, Ozone Park, Richmond Hill, Woodhaven)	31	16	52%
11 (Baychester, City Island, Co-Op City, Morris Park, Parkchester, Pelham Pkwy., Williamsbridge)	24	12	50%

Citywide, 7% of all elementary school buildings and annexes are operating at 126% to 150% capacity – down from 12% last year. Three districts have at least 20% of their elementary schools operating between 126% and 150% of capacity.

Table 3
Three Districts Where at Least 20% of the Elementary Schools Operate between 126% and 150% Capacity

District	Elementary Schools	Elementary Schools at 126% to 150% of Capacity	%
17 (Crown Heights, East Flatbush)	18	5	28%
24 (Corona, Elmhurst, Glendale, Maspeth, Middle Village, Ridgewood, Woodside)	26	6	23%
28 (Forest Hills, Jamaica, Kew Garden, Rego Park, Richmond Hill, S. Jamaica)	26	6	23%

The number of school buildings being operated at over 150% of capacity dropped by one-third – from 21 to 14. But the five most overcrowded schools in the city operated at a remarkable *160% of capacity or more*.

Table 4
School Buildings Operating at Greater than 150% Capacity

School/District	Building Enrollment	Building Capacity	% Of Capacity
PS 210/D6	101	50	202%
CES 88/D9	535	316	169%
CES 236/D9	236	140	169%
PS 175/D11	544	337	161%
PS 106/D27	269	165	163%

In six districts, the number of school buildings operating over capacity increased.

Table 5
Six Districts Where the Number of Schools Buildings Operating Overcapacity Increased

District	1998-1999 # of Elementary Schools at least 99%	1999-2000 # of Elementary Schools at least 99%
1 (Lower East Side)	1	2
6 (Washington Heights, Inwood)	18	19
7 (South Bronx)	3	4
23 (Ocean Hill-Brownsville)	5	6
32 (Bushwick)	4	6
85 (Citywide Chancellor's District)	1	6

Minischools and transportables[1] – both ways to quickly increase capacity – are also overcrowded.

Of the 66 minischools, 62% are operating at 99% or greater capacity. Over 20% of the minischools are operating at 126% to 150% capacity. Of the 97 schools needing transportables, 75% are operating at 99% or greater capacity. 26% are operating at 110% to 125% capacity. In 1999-2000, 15 elementary schools added transportables to ease overcrowding.

Over the last year, New York City collected less than 31% of the State's reimbursable school building aid despite enrolling almost 40% of the State's students.

New York State provides State Building Aid (SBA) to local school districts to pay a share of approved capital outlays and debt service for construction or renovation of elementary and secondary school buildings. New York City continues to lag behind in state aid reimbursement and only received $286.3 million out of $917.4 million expended statewide. If New York City schools received their fair share of SBA, it would have increased SBA by more than $80 million.

Why? First, the SBA reimbursement rate continues to favor non-New York City projects. SBA provides reimbursement to New York City for nearly 65% of "eligible" annual expenses. Unfortunately, the standards for determining what is "eligible" do not cover the actual cost of construction in New York City, reducing reimbursement for new construction by the city to 40% of actual cost.

The current reimbursement rate represents an improvement for the City: in 1998, the Legislature created a regional cost differential in the formula to recognize the higher cost of construction in New York City. Despite this change, school districts in the rest of the State receive a higher rate of reimbursement because a higher percentage of their costs fall within the cost allowance for each project.

Second, many school districts around the State have independent bonding authority are therefore less limited in their ability to incur debt than the City. Thus, while New York City struggles with overcrowding and crumbling buildings, other districts around the State are funding state of the art learning complexes.

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[1] Minischools are temporary structures typically housing eight to fourteen classrooms. They were not built to be permanent solutions but became so during the 1980s. Transportables come in sets and represent two classrooms and are usually placed next to the main building of the school so students can still utilize common spaces like cafeterias and gyms. Over 50% of the transportables accommodate more than 100 students per school.

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A CALL TO ACTION

All levels of government must work together to end the class size crunch and improve student performance. While school districts around the State are maximizing the benefits of the Reduced Class Size Initiative (RCSI), New York City is losing out because funding access is tied to classroom capacity. New York City's elementary schools do not have the space to implement the initiative and fully tap State funding.

The **Class Size Coalition** convening today will pursue four concrete next steps to enable the city to take advantage of RCSI:

1. Board of Education Administrative Actions

The Public Advocate recommended several administrative options for reducing class size. Low- or no-cost ways to provide new classrooms requires the Board to make efficient use of existing space in schools by:

- Shifting grades among school levels – moving 6th grades from elementary to middle schools, 9th grades to high schools and, where appropriate, some pre-K classes into the community.
- Sending specialized teams of space experts to assist schools in maximizing their use of space for regular classes.
- Considering limited experiments with year-round education and other steps to make greater use of existing buildings by extending school years and days.[2]
- And as a temporary measure only, assign two teachers to a classroom.

At the Summit, participants also suggested relocating District and Special Education offices that were presently housed in school buildings.

In a letter dated October 6, 2000 addressed to the Public Advocate, Chancellor Levy described his actions to find additional space:

- Nearly all the administrative offices required by the community school districts, high school superintendencies, and committees on special education, particularly those in overcrowded school districts, have been relocated to leased spaces. Staff is actively seeking additional space for district offices remaining in schools, and will have all these offices relocated this year.

[2] A Committee led by Board member Terri Thomson recently recommended a limited pilot program that would only offer year round schooling at newly constructed high schools thereby not affecting overcrowded classes in grades K-3.

- Room partitioning has also been a continuing effort. Staff created over 3,000 new seats for this school year using in-house skilled tradespeople to restore, convert and/or partition school rooms to classroom space.

- Superintendents have been directed to evaluate and remove essentially all non-instructional programs occupying classrooms, including those in underutilized districts.

- Rezoning and/or reconfiguring schools to maximize the use of space is a practice in districts where the local superintendent and school board determine that shifting grades and/or other changes will not sacrifice academic achievement.

- Last year, staff began working with the School Construction Working Group and has jointly developed a protocol for non-profit long-term lease development. However, the City's Law Department has raised some legal issues that need to be resolved before we can move forward. Staff is currently revising the standard lease to accommodate these proposed transactions. Staff has combined this effort with federal assistance, and advises that applications for three non-profit long-term lease projects utilizing federal funded Qualified Zone Academy bonds should be finalized once a viable financing mechanism is identified.

- The Board is also developing plans to extract the incomplete real estate value of existing space.

A copy of the letter is attached.

2. **Lobbying for New Federal Assistance**

Potentially significant assistance for New York City's school construction efforts would be available through tax credit legislation currently under consideration in the Congress. The Rangel-Johnson bill would authorize issuance of $22 billion in tax credit bonds for new construction and modernization and earmark 40 percent of the money for the 125 school districts with the largest number of low-income children. New York City would receive a specific allocation of $1.487 billion in tax credits. Under the program, the federal government would effectively pay the interest on 15-year bonds, providing the schools with an interest-free loan to cover construction costs.

This summer, a coalition of business and civic leaders led by the Public Advocate visited New York State Congressional members who had not co-sponsored the Rangel-Johnson bill. The delegation also delivered letters signed by twenty-five business leaders addressed to the Congressional members. This fall, the Public Advocate's Office, Pencil and The New York City Partnership organized business leaders to send letters to the House and Senate leadership urging them to include the America's Better Classroom Act of 2000 in a final appropriations and tax package (see Appendix IV).

The Rangel-Johnson legislation continues to be an important part of the appropriations discussion as the federal budget negotiations draw to a close. But if the legislation fails to pass this budget season, the coalition must continue to work closely with Representative Charles Rangel to coordinate effective support for the federal government's role in funding solutions to the school capital crisis. If the legislation passes, the coalition needs to monitor the execution of the program and ensure its quick implementation.

3. State Action

At the Class Size Summit, federal and state officials announced that the State Regents would finally enact legislation enabling New York City to take advantage of the commitment of $60 million in interest free bonds offered by the Federal government under the Qualified Zone Academy Bonds (QZAB) program. In September, the Regents passed the regulations required to administrate the program. The State Education Department has now identified the school districts that qualify under the requirements of the legislation and will be sending applications to these districts by mid-November.

But New York City needs additional legislative relief to increase the share of costs paid by the state for some projects, especially new buildings. The present formula limits incidentals, which effectively includes all costs other than construction—architect and engineering fees, site acquisition and preparation, and others. In addition, building a school in a congested area requires more costly methods and designs; building vertically rather than horizontally calls for more elevators and stairwells, adding to construction costs but also consuming more floor area than recognized in the SBA maximum cost allowance process.

The coalition must follow-up with extensive lobbying activities in the next legislative session focusing on changes in the reimbursement rate for Building Aid to New York City.

4. City Action

The Background Paper for the Class Size Summit called on the Board of Education to finalize the development of the necessary mechanisms to allow private for-profit and not-for-profit organizations to finance school construction and rehabilitation projects privately.

The Board of Education has worked with the City's Corporation Counsel to develop a suitable lease agreement based on the models used by non-profit developers of other public facilities such as primary care health clinics or transitional housing facilities. However, Corporation Counsel and the Board have not settled on suitable language. The implementation of the Qualified Zone Academy Bonds program will depend on developing a suitable leasing instrument.

The coalition needs to work with the Board, Corporation Counsel and with non-profit development groups to finalize the development of a model lease.

Finally, the City of New York can also reduce the new capital funds needed for this initiative by reordering existing capital priorities. The City currently has a capital plan for 2000-2003 that would commit about $27 billion to a wide variety of capital projects, $25 billion of which will be City-funded, primarily through General Obligation and other debt.

According to the June 2000 New York City Independent Budget Office Report on the Capital Budget, the City is projected to increase the Board of Education's capital budget by 9.9% for FY 2001—2004 over the FY 1997—2000 plan. But total capital spending is expected to increase from $18 billion to $24.9 billion – a 38.7% increase. Also, BOE capital spending has gone from 27.6% of the Capital Budget to 21.8% of the Capital Budget.

The **Class Size Coalition** needs to request a closer examination of the City's Capital Plan and make every effort to delay projects of lower priority in favor of additional capital funding for school construction.